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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,597	11/14/2001	Kenji Ose	SIC-00-001-4	3657

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EXAMINER

KIM, CHONG HWA

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 08/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,597

Applicant(s)

OSE, KENJI

Examiner

Chong H. Kim

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 34-37 and 40-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-37 and 40-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

The Examiner acknowledges the applicant's Amendment filed May 30, 2002 in response to the Office action made on Mar 5, 2002.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 34-37, 42-44, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Mimura, U.S. Patent 4,065,983.

Mimura shows, in Fig. 5, a bicycle shift control device comprising;

a base member 70;

a rotatable dial (the disk-like shape attached to base member 70 at the upper portion) coupled to the base member 70 for rotation around a rotational axis(along the shaft 73);

a finger contact projection 71 extending from the rotatable dial in a direction of the rotational axis;

wherein the finger contact projection is structured to prohibit the extension of a finger between all portions of the finger contact projection and the rotatable dial;

a shift element coupler 73, 74 disposed with the rotatable dial;

wherein the finger contact projection extends at least partially in a direction perpendicular to the rotational axis;

wherein at least one of the dial and the base member includes a coupling projection (either the outer edge of the rotatable dial or the upper edge of the base member) for coupling the dial to the base member;

wherein the coupling projection (the outer portion that is extended radially from the rotatable dial) is disposed on the dial and extends into an opening in the base member;

an attachment band 72 extending from the base member, wherein the attachment band has a substantially cylindrical shape;

wherein the attachment band includes a first mounting hole that aligns with a second mounting hole (where the clamp bolt is screwed therein);

wherein the shift element coupler 73, 74 is attached to the rotatable dial; and

wherein the finger contact projection comprises a first finger contact surface facing in a direction substantially perpendicular to the rotational axis, wherein the first finger contact surface at least partially forms a continuous surface with the rotatable dial; a second finger contact surface facing in a direction substantially perpendicular to the rotational axis, wherein the second finger contact surface at least partially forms a continuous surface with the rotatable dial.

3. Claims 34, 36, 37, 40, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Mimura, U.S. Patent 4,065,983.

Mimura shows, in Figs. 3 and 8-10, a bicycle shift control device comprising;

a base member 24, 25;

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a rotatable dial 99 coupled to the base member 24, 25 for rotation around a rotational axis;

a finger contact projection 98 extending from the rotatable dial in a direction of the rotational axis;

wherein the finger contact projection is structured to prohibit the extension of a finger between all portions of the finger contact projection and the rotatable dial;

a shift element coupler 45 disposed with the rotatable dial;

wherein at least one of the dial and the base member includes a coupling projection 92 for coupling the dial to the base member;

wherein the coupling projection 92 is disposed on the dial and extends into an opening in the base member;

wherein the rotatable dial and the finger contact projection are one piece; and

wherein the base member includes a cable guide 64 having a cable guide opening for receiving a cable 16 therethrough.

4. Claims 34, 48, 49, 56, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawakami et al., U.S. Patent 5,601,001.

Kawakami et al. shows, in Figs. 1-3, a bicycle shift control device comprising;

a base member 10;

a rotatable dial 7 coupled to the base member 10 for rotation around a rotational axis X;

a finger contact projection 4a, 4b extending from the rotatable dial in a direction of the rotational axis;

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wherein the finger contact projection is structured to prohibit the extension of a finger between all portions of the finger contact projection and the rotatable dial;

a shift element coupler (inherently shown to hold the wire 8a) disposed with the rotatable dial;

a motion limiting structure (the portion that allows two limiting positions, U and D) coupled to the base member and to the rotatable dial that limits a range of rotation of the rotatable dial relative the base member to a predefined arc, and wherein the rotatable dial moves unobstructively within the predefined arc between a cable pulled position and a cable released position (U and D); and

wherein the motion limiting structure comprises a motion stop (the biasing means) that cooperates with a first limit stop U and a second limit stop D.

5. Claims 34, 44-52, and 56-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang et al., U.S. Patent 5,588,331.

Huang et al. shows, in Figs. 2-4, a bicycle shift control device comprising;

a base member 20;

a rotatable dial 40 coupled to the base member 20 for rotation around a rotational axis (along the handlebar);

a finger contact projection 30 extending from the rotatable dial in a direction of the rotational axis;

wherein the finger contact projection is structured to prohibit the extension of a finger between all portions of the finger contact projection and the rotatable dial;

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a shift element coupler 50, 51 disposed with the rotatable dial;  
wherein the shift element coupler is attached to the rotatable dial 40;  
wherein the shift element coupler is fitted within a coupler bore 41 formed in the rotatable dial;

wherein the shift element coupler includes a cable end bead receiving opening (at the element 50);

wherein the shift element coupler has a substantially cylindrical shape 51, and wherein the cable end bead receiving opening extends diametrically through the shift element coupler;

a motion limiting structure 26, 45, 46 coupled to the base member and to the rotatable dial that limits a range of rotation of the rotatable dial relative the base member to a predefined arc, and wherein the rotatable dial moves unobstructively within the predefined arc between a cable pulled position and a cable released position;

wherein the motion limiting structure comprises a motion stop 26 that cooperates with a first limit stop 45 and a second limit stop 46;

wherein the motion stop 26 extends from the base member 20;

wherein the first limit stop 45 and the second limit stop 46 are disposed on the rotatable dial;

wherein the rotatable dial includes a motion limiting groove (between the stops 45 and 46 in Fig. 4) that forms the first limit stop 45 and the second limit stop 46;



*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura (Figs. 3 and 8-10) in view of White et al., U.S. Patent 3,398,600.

Mimura shows, as discussed above in the rejection in paragraph 3, the bicycle shift control device comprising the coupling projection extending from the dial and disposed in the opening of the base member, but fails to show the projection including a slot and a locking abutment.

White et al. shows, in Figs. 4 and 5, a rotatable dial 26 comprising a coupling projection 22 having a slot 34 that allows the coupling projection to be compressed and wherein the coupling projection includes a locking abutment 40 facing the rotatable dial 26 for locking the rotatable dial to the base member.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the coupling projection of Mimura with the snap-in coupling projection as taught by White et al. in order to provide a simpler design wherein the tolerances between the projection and the receiving end need not be accurately controlled, as described in column 2, lines 1-2 of White et al. so that the cost of manufacturing can be reduced.

*Response to Arguments*

8. Applicant's arguments with respect to claims 34-37 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knob assembly having snap-in projection and finger contact projection.

Hammerand, U.S. Patent 3,082,642

Knop, U.S. Patent 3,766,793

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Monday - Friday; 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

CHK  
July 29, 2002



Chong H. Kim  
Primary Examiner  
Art Unit 3682